

September 11, 2023

Regional Freedom of Information Officer

U.S. EPA, Region 1 (OARM01-6)

5 Post Office Square, Suite 100

Boston, MA 02109-3912

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., Conservation Law Foundation ("CLF") hereby requests all records pertaining to the environmental compliance of the facility listed on the Environmental Protection Agency Enforcement and Compliance History Online (ECHO) website as Sims Metal Management Inc., 267 Granite St, Worcester, MA 01604 (FRS ID: 110064433144), including:

I. Documents associated with the facility's Clean Water Act compliance:

- A. The facility's Notice of Intent for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit ("MSGP") including any attached Stormwater Pollution Prevention Plans ("SWPPP");
- B. Compliance documents and monitoring reports associated with the facility's NPDES Permit(s), including but not limited to DMRs, notices of noncompliance, and notices of daily or monthly maximum exceedances, from September 11, 2018 to the date this request is filled;
- C. Any and all EPA correspondence and/or internal documents related to this facility; and
- D. Any and all citizen complaints associated with this facility.

II. Enforcement documents associated with the facility:

- A. Letters of warning, notices of violation, and administrative orders, from September 11, 2018 to the date this request is filled; and
- B. Consent agreements, court orders, administrative orders, or other orders governing the terms or status of the facility's compliance with its Clean Water Act permits, from September 11, 2018 to the date this request is filled.

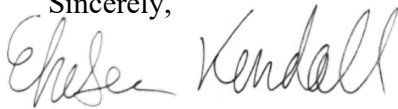
Please provide the requested records in electronic format if possible. To the extent you believe any requested record is exempt from disclosure, please provide a log identifying which documents you claim are exempt, specify the exemption or privilege that you assert is applicable, and explain why you believe such exemption or privilege is applicable.

CLF respectfully requests that any fees incurred in conjunction with this request be waived pursuant to 40 C.F.R. § 2.107(l). CLF is a non-profit organization that works to protect New England's environment for the benefit of all people. This request is not made in furtherance of any commercial interest. Rather, disclosure of the requested information is likely to contribute significantly to public understanding of the operations and activities of the government, including the monitoring and enforcement activities of EPA, and specifically as they relate to Sims Metal Management. CLF seeks information regarding the facility's history of compliance with its permit in order to inform CLF members and the public about potential violations, enforcement actions, and any current state of contamination. The requested information is not publicly available and, to the extent that it sheds light on these matters, disclosure is in the public interest and of critical importance to the people who live, work, and recreate near the facility and who may be exposed to dangerous pollutants. 5 U.S.C. § 552(a)(4)(A)(iii).

In the event that our request for a fee waiver is denied, we request that the total cost be minimized by providing the information in electronic format. Also, if fees are assessed, please provide in advance a written, itemized, good faith estimate of such fees. *Id.* at 32.07(2)(b).

We look forward to your written response within twenty business days from this request. I appreciate your prompt response. Please do not hesitate to contact me at rverbitsky@clf.org if you have any questions. Thank you for your assistance with this request.

Sincerely,

A handwritten signature in cursive script that reads "Chelsea Kendall".

Chelsea Kendall

Staff Attorney, Clean Air and Water

Conservation Law Foundation